MONTANA LEGISLATIVE HISTORY

Chapter 186 19 61

Bill H _____ S 182 Original bill & history ____C

H. Committee on Highways			S. Committee on Highways & Transportation		
Hearing Date(s)	Feb 03	✓ C	Hearing Date(s)	Jan 26	✓ C
	_____	____C		_____	____C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	_____	____C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

January 26, 1961

The Senate Committee on Highways and Transportation met at 8:30 a.m., Thursday, January 26, 1961, in Room 407, with a quorum present. Chairman Bovey presided.

It was moved by Senator Harken and seconded by Senator Mahoney that Senate Bill 132 do not pass. Motion carried.

It was moved by Senator Mahoney and seconded by Senator Harken that the amendments to Senate Bill 182 be adopted, and that Senate Bill 182 do pass as amended. (For text of amendments, see committee report.) The motion carried, with Senator Stein dissenting.

It was moved by Senator Harken and seconded by Senatory Mahoney that Senate Bill 82 do not pass. Motion carried.

Senator A. Ronald MacDonnell, from Sweet Grass County, appeared as a proponent of Senate Bill 108.

It was moved by Senator Mahoney that the amendments to Senate Bill 108 be adopted and that the bill do pass, as amended. (For text of amendments, see committee report.) Motion carried. It was agreed that the committee report on this bill would be held until Senate Bill 196 is considered by the committee.

Senator Harken moved that Senate Bill 184 do not pass. The motion was seconded by Senator Mahoney, and carried.

The chairman announced that the next meeting would be Saturday morning, January 28, 1961, at 8:30 a.m.

Upon motion of Senator Mahoney, the meeting adjourned at 9:40 a.m.

Charles A. Bovey

Charles A. Bovey, Chairman

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February 3, 1961

The Highways Committee met at 1:00 with a quorum present and Chairman Broeder presiding.

Attorney Phil Strope, State Highway Dept., was present to explain H.B. 139 which would increase the fine for littering the highways. Rep. Lundgren moved that consideration of the bill be passed until the author could be present. As a substitute motion, Rep. Leuthold moved that the title be amended. Rep. Schwinden made a substitute motion to the substitute motion that H.B. 139 do not pass, seconded by Rep. Reinecke and the motion passed with one dissenting vote.

Mr. Strope corrected a statement he had made previously and stated that passage of H.B. 153 would not give Montana the extra bonus from the federal aid. He said the highway department would have to have absolute control to receive the reimbursement. The date 1959 in the grandfather clause in the bill should be amended to read 1961. Mr. Strope was then excused.

A discussion of H.B. 153 followed. Rep. Pieree moved that the year be changed to 1961, seconded by Rep. Schwinden, and the motion carried. Rep. Schwinden moved that state highways be indicated in the bill, seconded by Mr. Laas, and the motion carried. Rep. Schye moved that as amended, H.B. 153 do pass, seconded by Rep. Schwinden, and the motion carried. The Chairman instructed the secretary to ask Mr. Strope to assist with the amendments.

H.B. 122 was discussed and Rep. Schwinden moved that Section 3 be striken in its entirety, seconded by Rep. Schye, and the motion carried. Rep. Leuthold moved that H.B. 122 do not pass, seconded by Rep. Pierce and the motion carried.

H.J.R. 7 was discussed. Rep. Schye said he opposed the resolution until the highway department was granted the right to purchase property for wayside parks. Rep. Schwinden moved that H.J.R. 7 do not pass, seconded by Rep. Pierce and the motion carried.

House Bills 149 and 150 were discussed by Rep. Judge. These bills pertained to abandoned vehicles on highways. Rep. Pierce moved that H.B. 149 do pass, seconded by Rep. Judge, but the motion lost with only 3 voting in favor of it. Rep. Schwinden then moved that H.B. 149 do not pass, seconded by Rep. Laas and the motion Carried.

Rep. Schwinden then moved that H.B. 150 do not pass, seconded by Rep. Laas and the motion carried.

Rep. Schye explained H.B. 182 and Rep. McOmber moved that it do pass, seconded by Rep. Schye and the motion carried.

Rep. Leuthold moved to adjourn, seconded by Rep. Pierce and the motion carried. The meeting was adjourned at 2:00 P.M.

Broeder

Fred O. Broeder, Chairman

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jurisdiction, shall be punished by a fine of not less than ten dollars and not more than one hundred dollars for each separate offense; provided, however, that this act shall not be construed to apply to, or affect, plumbing or pipefitting in any smelter, mine, railroad or manufacturing industry, *and that nothing herein shall be construed to affect article VI of the State of Montana plumbing code, rules and regulations.*"

Severability clause.

Section 5. The provisions of this act shall be severable and if any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void, the remainder of this act shall continue in full force and effect.

Approved March 6, 1961.

CHAPTER 186

An Act to Amend Sections 32-1018, 32-1019 and 32-1020 of the Revised Codes of Montana of 1947, as Enacted by Sections 1, 2 and 3 of Chapter 95, Laws of 1951, to Define the Crime of Using the National System of Interstate and Defense Highways and State Highways as a Place for the Grazing or Running of Livestock, Providing for Exceptions and Providing a Penalty for the Violation Thereof, Providing No Presumption or Inference of Negligence Shall Arise Because of a Collision, and Repealing All Acts and Parts of Acts in Confliet Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 32-1018, of the Revised Codes of Montana of 1947, as enacted by section 1, chapter 95, laws of 1951, be and the same is hereby amended to read as follows:

Unlawful to graze livestock on highway.

"32-1018. **Grazing livestock on highway unlawful.** *No person who owns or is entitled to the possession of any livestock, shall wilfully permit any such livestock to graze, remain upon or occupy any part of the right-of-way of any state highway running through cultivated areas, or any part of the fenced right-of-way of any state highway, which in either case has been designated by agreement between*

the state highway commission and the secretary of commerce as a part of the national system of interstate and defense highways; or any state highway, designated by agreement between the state highway commission and the secretary of commerce as a part of the federal-aid primary system except as hereinafter provided."

Amending clause.

Section 2. That section 32-1019, Revised Codes of Montana of 1947, as enacted by section 2, chapter 95, laws of 1951, be and the same is hereby amended to read as follows:

Exceptions.

"32-1019. *Exclusions* **from preceding section.** This act shall not apply, *as follows:*

"(1) To livestock on state highways in charge of one or more herders.

"(2) To such parts of fenced highways adjacent to open range where no highway device has been installed to exclude range livestock therefrom.

"(3) To such parts of any state highway, a part of the federal-aid primary system, as the state highway commission may designate as being impracticable to exclude livestock. Such portions of the highway shall be marked by proper signs in accordance with the state highway commission's manual and specifications for a uniform system of traffic-control devices."

Amending clause.

Section 3. That section 32-1020, Revised Codes of Montana, 1947, as enacted by section 3, chapter 95, laws of 1951, be and the same is hereby amended to read as follows:

Penalty for violation.

"32-1020. **Penalty for violating act.** Any person violating the terms of this act shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than five dollars ($5.00), nor more than one hundred dollars ($100.00), for each offense. *In any civil action brought by the owner, driver or occupant of a motor vehicle, or by their personal representatives or assigns, or by the owner of livestock, for damages caused by collision between any motor vehicle and any domestic animal or animals on a highway, there is no presumption or inference that such collision was due to negligence on the part of the owner or the person in possession of such livestock, or the driver or owner of the vehicle.*"

Civil actions.

Repealing clause.

Section 4. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 6, 1961.

CHAPTER 187

An Act to Amend Section 93-303, Revised Codes of Montana, 1947, as Amended by Chapter 84, Session Laws of Montana, 1951, and as Further Amended by Chapter 247, Session Laws of Montana, 1955, and as Further Amended by Chapter 198, Session Laws of Montana, 1959, Setting the Annual Salary of District Judges at Ten Thousand Seven Hundred Dollars ($10,700.00), and to Amend Chapter 202, Session Laws of Montana, 1959, Designated as Sections 25-501 and 25-501.1 in the 1959 Cumulative Pocket Supplement of Replacement Volume 2, Revised Codes of Montana, 1947, Relating to Annual Salaries of Various Elected Officials and Administrative Heads, Whatever Title They May Have, of Various Boards, Bureaus and Commissions; Defining the Scope of Salaries, But That Such Scope Shall Not Limit Certain Longevity Pay; and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 93-303, Revised Codes of Montana, 1947, as amended by chapter 84, session laws of Montana, 1951, and as further amended by chapter 247, session laws of Montana, 1955, and as further amended by chapter 198, session laws of Montana, 1959, be, and the same is hereby amended to read as follows:

Salaries—district judges.

"93-303. (8814) **Salaries of district judges.** The annual salary of each district judge shall be *ten thousand seven hundred dollars ($10,700.00).*"

Amending clause.

Section 2. That chapter 202, session laws of Montana, 1959, designated as sections 25-501 and 25-501.1 in the 1959 cumulative pocket supplement of replacement volume 2, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Salaries—elected state officials.

"25-501. **Salaries of elected state officials.** The annual salaries paid to the various elected officials of the State of Montana shall be as follows:

Governor	$14,000.00
Chief justice of the supreme court	*12,700.00*
Justices of the supreme court, each	*12,700.00*
Attorney general	9,500.00
State auditor	8,000.00
Superintendent of public instruction	8,500.00
Railroad commissioner	8,000.00
State treasurer	8,000.00
Secretary of state	8,000.00
Clerk of the supreme court	6,500.00"

Salary for all services—except expenses.

"25-501.1. **Salary to be for all services.** The salary of each such officer shall be for all services required of him or which may hereafter devolve upon him by law, including all services rendered ex officio as a member of any board, commission or committee, but shall not include actual necessary traveling, lodging and subsistence expenses incidental to his official duties; provided, however, that this provision shall not apply to the salary of the supervisor of the highway patrol so as to deprive him of his length-of-service salary increase as provided by section 31-105 of these codes."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby expressly repealed.

Approved March 6, 1961.

CHAPTER 188

An Act to Amend Section 66-505, Revised Codes of Montana, 1947, as Last Amended by Chapter 178, Laws of 1955, and Sections 66-510, 66-512, 66-513 and 66-515, Revised Codes of Montana, 1947, Relating to Fees for Application to Practice Chiropractic, Fees for Restoration of License, Fees for Renewal of License, Per Diem and Mileage, Fees for Reciprocal License, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 66-505, Revised Codes of Montana, 1947, as last amended by chapter 178, laws of 1955, be, and the same is hereby amended to read as follows:

"66-505. (3142) **Applications to practice — fees for**